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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,099	07/30/2003	Ricardo Martinez Perez	CE11323JI211	8305

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EXAMINER	
WAI, ERIC CHARLES	
ART UNIT	PAPER NUMBER
2195	

NOTIFICATION DATE	DELIVERY MODE
01/22/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptoboca@fggbb.com

Office Action Summary	Application No.	Applicant(s)	
	10/630,099	MARTINEZ PEREZ ET AL.	
	Examiner	Art Unit	
	ERIC C. WAI	2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 November 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,9-12,17,18 and 24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3, 9-12, 17-18, and 24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-3, 9-12, 17-18, and 24 are presented for examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/04/2008 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rawson et al (US Pat No. 5,682,204 hereinafter Rawson) in view of Balasubrmanian (US Pat No. 6,487,455).

5. Rawson was disclosed on IDS dated 11/21/2003.

6. Regarding claim 9, Rawson teaches a computer readable storage medium including computer instructions on an electronic device (col 1 lines 19-20) for managing application resources on the electronic device (col 1 lines 66-67), the computer instructions including instructions for:

receiving a command on an electronic device to execute an application, a process of the electronic device capable of executing the application in one of a regular and a reduced performance mode (col 2 lines 47-54);

prior to execution of any code associated with the application (col 2 lines 44-54, wherein a developer register requirements with the operating system before the application is executed), reading an application priority level application resource requirement associated with the application (col 2 lines 1-8, wherein the software process has a hardware resource power state);

determining whether the application priority level application resource requirement can be met by the electronic device, wherein the application priority level application resource requirement includes at least one of: average MIPS, lowest MIPS, peak MIPS, screen refresh rate, and I/O bandwidth (col 1 lines 33-43 and col 4 lines 43-63, wherein it is inherent that the software process has a power state requirement including a processing rate that corresponds to all measurements of MIPS); and

if the application priority level application resource requirement allows the application to be executed in background mode, switching the running of the application between one of background mode and foreground mode, based upon current

application resources (col 3 lines 55-65, wherein programs switch from yet to be active to active state).

7. Rawson does not explicitly teach that the application priority level application resource requirement indicates how important it is to execute the application in regular performance mode. However, it would have been obvious to one of ordinary skill in the art at the time of the invention, to modify Rawson to indicate a priority of the application. As is well known in the art, one would be motivated by the desire to schedule higher priority applications first.

8. Rawson also not explicitly teach that the application resource requirement of the application is stored in metadata associated with the application. While Rawson does teach that resource requirements are declared by the software developer, Balasubramanian teaches the use of a prepared file of requirements that is read by an operating system (col 6 lines 34-40). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rawson to explicitly teach that the application resource requirements are stored in some sort of wrapper associated with the application. One would be motivated by the desire to read such requirements ahead of scheduling as indicated by Rawson and Balasubramanian.

9. Regarding claim 10, Rawson teaches that the electronic device is any one of a mobile telephone, a mobile pager, a wireless messaging device, a computer, a personal digital assistant, and a mobile communication system (col 1 lines 21-22).

10. Regarding claim 11, Rawson teaches that the electronic device is a portable device (col 1 lines 18-20).

11. Regarding claim 12, Rawson teaches wherein if the application priority level application resource requirement can be met by the electronic device, executing the application on the electronic device (col 2 lines 2-8).

12. Rawson does not explicitly teach if the application priority level application resource requirement cannot be met by the electronic device, indicating to the user that the application cannot be executed on the electronic device.

13. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rawson to indicate to the resource requester if the necessary resources to execute the application cannot be met. One would be motivated by the desire to alert the user that the system cannot proceed with execution and further action may be necessary.

14. Claims 1-3, 17-18, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rawson et al (US Pat No. 5,682,204) in view of Balasubrmanian (US Pat No. 6,487,455), in view of Guzzi et al. (US PG Pub No. US 2001/0049846 A1), further in view of Diepstraten et al. (US Pat No. 6,243,736).

15. Regarding claim 1, Rawson teaches a method on an electronic device (col 1 lines 19-20) for managing application resources on the electronic device (col 1 lines 66-67), the method comprising:

receiving a command indicating to execute an application on an electronic device (col 2 lines 47-54);

prior to execution of any code associated with the application (col 2 lines 44-54, wherein a developer register requirements with the operating system before the application is executed), the operating system reading at least one application resource requirement associated with the application (col 2 lines 47-54); and

determining whether the at least one application resource requirement can be met by the electronic device, wherein the at least one application resource requirement includes at least one of: average MIPS; lowest MIPS; peak MIPS; screen refresh rate; and I/O bandwidth (col 1 lines 33-43 and col 4 lines 43-63, wherein it is inherent that the software process has a power state requirement including a processing rate that corresponds to all measurements of MIPS).

16. Rawson also not explicitly teach that the application resource requirement of the application is stored in metadata associated with the application. While Rawson does teach that resource requirements are declared by the software developer, Balasubramanian teaches the use of a prepared file of requirements that is read by an operating system (col 6 lines 34-40). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rawson to explicitly teach that the

application resource requirements are stored in some sort of wrapper associated with the application. One would be motivated by the desire to read such requirements ahead of scheduling as indicated by Rawson and Balasubramanian.

17. Rawson does not teach indicating to a user that the application cannot be executed on the electronic device, indicating to the user which application resource requirement cannot be met by the electronic device, indicating to the user how the electronic device can be modified to meet the application resource requirement, prompting the user for agreement to modify the electronic device, in response to a command indicating agreement, modifying the electronic device to meet the application resource requirement associated with the application, and executing the application on the electronic device.

18. Guzzi teaches a method in which a user interacts with a device by making decisions based on system recommendations ([0071] lines 9-17). In this case, a user is presented with potential conflicts (i.e. requirements cannot be met), the user is then notified and prompted to accept optimized conditions determined by the system (i.e. prompting the user to modify the device to meet requirements).

19. It would have been obvious to one of ordinary skill in the art to modify Rawson to teach prompting a user for agreement to modify the device to allow for requirements to be met as taught by Guzzi. One would be motivated by the desire to allow for human intervention to meet the needs of the resource requirements.

20. Rawson also does not teach wherein if the at least one application resource requirement can be met by the electronic device when the application executes in foreground mode, executing the application in foreground mode, wherein if the at least one application resource requirement can be met by the electronic device only when the application executes in background mode, executing the application in background mode, and wherein if the at least one application resource requirement cannot be met by the electronic device, preventing starting the execution of the application.

21. Diepstraten teaches dividing tasks into foreground and background tasks and using different criteria to allocate processor resources (col 4 lines 41-45). It would have been obvious to one of ordinary skill in the art at the time of the invention, to divide tasks for execution in foreground and background mode. One would be motivated by the desire to allocate resources accordingly to resource requirements by the tasks. Diepstraten does not teach preventing starting the execution of the application if the application resource requirement cannot be met. However, it would have been obvious to one of ordinary skill at the time of the invention to modify Diepstraten for this purpose. One would be motivated by the desire to ensure resource availability before executing the application.

22. Regarding claim 2, Rawson teaches that the electronic device is any one of a mobile telephone, a mobile pager, a wireless messaging device, a computer, a personal digital assistant, and a mobile communication system (col 1 lines 21-22).

23. Regarding claim 3, Rawson teaches that the electronic device is a portable device (col 1 lines 18-20).

24. Regarding claims 17-18, and 24, they are the electronic device claims of claims 1-3 above. Therefore, they are rejected for the same reasons as claims 1-3 above.

Conclusion

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric C. Wai whose telephone number is 571-270-1012. The examiner can normally be reached on Mon-Thurs, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng - Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VAN H NGUYEN/
Primary Examiner, Art Unit 2194

/Eric C Wai/
Examiner, Art Unit 2195